

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

ALICE SCOTT,

Plaintiff,

v.

Case No. 8:19-cv-2790-T-AAS

ANDREW SAUL,

Commissioner,

Social Security Administration,

Defendant.

ORDER

Alice Scott moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 30). The Commissioner does not oppose the motion. (*Id.* at ¶ 5). Ms. Scott requests \$3,463.50 in attorney's fees. The EAJA permits awards for reasonable attorney's fees and expenses to a prevailing party against the United States. 28 U.S.C. § 2412.

An October 26, 2020 order remanded the case to the Commissioner under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 28). The Clerk entered judgment in favor of Ms. Scott. (Doc. 29). Ms. Scott now requests an award of attorney's fees under the EAJA. (Doc. 30).

The Commissioner does not contest the following: Ms. Scott is the prevailing party; Ms. Scott's net worth was less than \$2 million when she filed her complaint; the Commissioner's position was not substantially justified; no special circumstances make an attorney's fees award unjust; and Ms. Scott's attorney's fees request is

reasonable. A court should grant a Social Security claimant's request for attorney's fees when it is unopposed. *See Jones v. Colvin*, No. 8:13-CV-2900-T-33AEP, 2015 WL 7721334 (M.D. Fla. Nov. 30, 2015) (awarding unopposed attorney's fees request). Thus, Ms. Scott is entitled to \$3,463.50 in attorney's fees.

Attorney's fees awarded to a claimant under the EAJA can be offset to satisfy the claimant's pre-existing debt to the United States. *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). Following this order, the United States Department of the Treasury will determine whether Ms. Scott owes a debt to the United States. Ms. Scott assigned her rights to EAJA fees to her attorney. (Doc. 30-2). If Ms. Scott has no federal debt, the United States will accept her assignment of EAJA fees and pay the fees directly to counsel.

Thus, Ms. Scott's motion for attorney's fees and costs under the EAJA (Doc. 30) is **GRANTED**. Ms. Scott is awarded **\$3,463.50** in attorney's fees.

ORDERED in Tampa, Florida on December 3, 2020.



AMANDA ARNOLD SANSONE
United States Magistrate Judge